

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International
(Association
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(Southern Railway Company

Dispute: Claim of Employees:

1. On or about September 3, 1974, the Carrier removed work which Sheet Metal Workers always normally performed by past practice and Classification of Work Rule, and assigned Carmen to perform.
2. That the Carrier be ordered to compensate Sheet Metal Worker H. N. Coward for fifteen (15) hours at time and one half rate of pay.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Organization claims that work performed in installing anemostats in passenger cars belongs to Sheet Metal Workers rather than Carmen and is requesting payment for such work performed by Carmen on and after September 31, 1974.

In their third-party argument, Carmen claim that this work belongs to their craft, except when such equipment is fastened directly to a duct.

On the record, this Board finds there has been an unresolved jurisdictional dispute between the Sheet Metal Workers and the Carmen concerning this work since at least 1969. In view of this, resolution of the dispute is covered by 1946 Disposition of Jurisdictional Disputes Memorandum of Understanding and is not subject to adjudication by this Board.

The remaining question is whether the Carrier violated Section (1) A of the Memorandum of Understanding when it assigned the work on the date in question to Carmen. This section states, "If a craft is doing the work, it will continue to do it" until and unless an agreement between the crafts involved requests a change. From the record presented by the Sheet Metal Workers, the Carmen, and the Carrier, this Board finds evidence to show that Carmen had been sufficiently performing this limited aspect of anemostat installation so as to warrant continuing assignment by the Carrier to the Carmen until and unless some final resolution of the matter is achieved as prescribed by the Memorandum of Agreement.

In this conclusion, this Board finds Award No. 6809 (O'Brien) particularly pertinent.

A W A R D

Claim dismissed and denied per Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of December, 1976.